IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5918 OF 2004

Shri. J.S. Bhat ...Applicant

Versus

Shri. Prabhakar Ghole & Anr ...Respondents

.....

Mr. J.S. Bhat, present in person.

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 24TH AUGUST, 2005

P. C.:-

1. Heard the applicant who is present in person and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Case No. 316/S/2000 which is pending in the Court of learned Metropolitan Magistrate, 9th Court, Bandra, Mumbai. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant

has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, ad interim relief granted by this Court shall stand extended by four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

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